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EXAMINER

DIVECHA, KAMAL B

ART UNIT PAPER NUMBER

2151

DATE MAILED: 03/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

*Supplemental*  
**Notice of Allowability**

Application No.

09/943,766

Examiner

KAMAL B. DIVECHA

Applicant(s)

GRAHAM, JOHN C.

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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 08/25/2005.
2. ☒ The allowed claim(s) is/are 1-8, 10-16, 18-25, 30-42 and 44-47.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- \* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
**ZARNI MAUNG**

**SUPERVISORY PATENT EXAMINER**

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### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Jens C Jenkins on October 26, 2005.

The application has been amended as follows:

In the claims:

Please cancel claims 17 and 43.

In claim 18, please replace "17" with – 12 –

In claim 44, please replace "43" with – 39 –

Please amend claims 1, 12, 20 and 30 as follows:

1. (Currently Amended) In a computer network that comprises one or more servers providing one or more services to at least one client, and wherein the at least one client accesses the one or more services through ~~one of the~~ one or more servers during a plurality of sessions created in response to a login request from the at least one client, with at least some of the plurality of sessions occurring simultaneously, and wherein access to the one or more services during a particular session ~~may include~~ includes at least one of a charged time portion and a free time portion, a method of tracking the at least one client usage of the one or more services during each session ~~and whether, for each session the access to a service is a charged time portion or a free time portion,~~ the method comprising acts of:

receiving at one of the one or more servers one or more metering packets from the at least one client, each of the one or more metering packets being generated at the at least one client and each metering packet being used at the at least one client to store data for tracking usage of one or more services during each session, and each metering packet comprising a data structure for storing the following data:

a session identifier element that links a particular metering packet with a particular session;

a time element indicating the at least one client's usage of the one or more services, the time element comprising a charged time portion and a free time portion, wherein the charged time portion corresponds to access to one or more services that incurs an access charge, and wherein the free time portion corresponding to access to one or more services that does not incur an access charge; and

a sequence number element; and the one or more servers updating a usage database based on the received one or more metering packets by

using the sequence number element to determine whether each received metering packet is redundant of any prior metering packet already stored in the usage database, and if so, discarding it, and if not, then

storing ~~the each received~~ metering packet that is not redundant in the usage database in order to store the data contained in ~~the each received~~ metering packet that is not redundant, and from which it ~~can~~ may be determined from the time element whether the at least client's usage of the one or more services during the particular session for that received metering packet is a charged time portion or a free time portion.

12. (Currently Amended) In a computer network that comprises one or more servers providing one or more services to at least one client, and wherein the at least one client accesses the one or more services through ~~one of the~~ one or more servers during a plurality of sessions created in response to a login request from the at least one client, with at least some of the plurality of sessions occurring simultaneously, and wherein access to the one or more services during a particular session ~~may include~~ includes at least one of a charged time portion and a free time portion, a method of tracking the at least one client usage of the one or more services during each session ~~and whether, for each session the access to a service is a charged time portion or a free time portion,~~ the method comprising acts of:

- in response to a login request received at one server of the one or more servers from the at least one client, a step for communicating from said one server to the at least one client usage tracking parameters;

- thereafter a step for one or more metering packets being generated at the at least one client,

- each metering packet being used at the at least one client to store data for tracking usage of one or more services during each session, and each metering packet comprising a data structure for storing the following data:

- a session identifier element that links a particular metering packet with a particular session; and

- a time element indicating the at least one client's usage of the one or more services, the time element comprising a charged time portion and a free time portion, wherein the charged time portion corresponds to access to one or more services that incurs an access charge, and wherein the free time portion corresponding to access to one or more services that does not incur an access charge;

- said one server performing a step for identifying one or more sessions through which the at least one client has accessed the one or more services;

- the one server performing a step for monitoring metering packets that are received from the at least one client; and

- the one server performing a step for tracking the at least one client's usage of the one or more services during each session based on the received one or more metering packets in order to store data from which it can be determined whether the at least one client's usage of the one or more services during each session is a charged time portion or a free time portion.

20. (Currently Amended) A computer program product for implementing, in a computer network that comprises one or more servers providing one or more services to at least one client, and wherein the at least one client accesses the one or more services through ~~one of the~~ one or more servers during a plurality of sessions created in response to a login request from the at least one client, with at least some of the plurality of sessions occurring simultaneously, and wherein access to the one or more services during a particular session ~~may include~~ includes at least one of a charged time portion and a free time portion, a method of tracking the at least one client usage of the one or more services during each session ~~and whether, for each session the access to a service is a charged time portion or a free time portion,~~ the computer program product comprising a computer readable medium for carrying machine-executable instructions that implement the method, and the method comprising:

in response to a login request received at one server of the one or more servers from the at least one client, a step for communicating from said one server to the at least one client usage tracking parameters;

thereafter a step for one or more metering packets being generated at the at least one client,

each metering packet being used at the at least one client to store data for tracking usage of one or more services during each session, and each metering packet comprising a data structure for storing the following data:

a session identifier element that links a particular metering packet with a particular session; and

a time element indicating the at least one client's usage of the one or more services, the time element comprising a charged time portion and a free time portion, wherein the charged time portion corresponds to access to one or more services that incurs an access charge, and wherein the free time portion corresponding to access to one or more services that does not incur an access charge;

said one server performing a step for identifying one or more sessions through which the at least one client has accessed the one or more services;

the one server performing a step for monitoring metering packets that are received from the at least one client; and

the one server performing a step for tracking the at least one client's usage of the one or more services during each session based on the received one or more metering packets in order to store data from which it can be determined whether the at least one client's usage of the one or more services during each session is a charged time portion or a free time portion.

30. (Currently Amended) In a computer network that comprises at least one server, the at least one server providing one or more services to at least one client that accesses the one or more services through the at least one server during a plurality of sessions created in response to a login request from the at least one client, with at least some of the plurality of sessions occurring simultaneously, and wherein access to the one or more services during a particular session includes at least one of ~~may include a~~ charged time portion and a free time portion, a method of tracking the at least one client usage of the one or more services during each session ~~and whether, for each session the access to a service is a charged time portion or a free time portion~~, the method comprising acts of:

- a client sending a login request to a login service;

- accessing, through one or more sessions created in response to the login request, at least one of the one or more services provided by one or more servers and tracking parameters corresponding to client usage of the one or more services;

- generating a plurality of metering packets corresponding to a single session that each includes a time element indicating ~~the~~ the at least one client's usage of the one or more services, each metering packet being used at the client to store data for tracking usage of the one or more services during each session, and each metering packet comprising a data structure for storing the following data:

- a session identifier element that links a particular metering packet with a particular session; and

- a time element indicating the at least one client's usage of the one or more services, the time element comprising a charged time portion and a free time portion, wherein the charged time portion corresponds to access to one or more services that incurs an access charge, and wherein the free time portion corresponding to access to one or more services that does not incur an access charge; and

- sending at least one of the plurality of metering packets to a census service, wherein the census service updates a usage database based on the metering packets so that the usage database reflects the at least one client's usage of the one or more services provided by the one or more servers at least one server.

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The following is an examiner's statement of reasons for allowance:

The primary reasons for allowance of the claims is the inclusion of a time element in a metering packets that indicates the clients usage of the provided services, wherein the time element includes a charged time portion for tracking access to services that incurs an access charge and a free time portion for tracking access to services that does not incur an access charge.

The prior art made of record (i.e. U. S. Patent No. 6,018,619 to Allard et al) fails to teach and suggest the process of tracking client usage of one or more services provided by one or more servers, wherein the clients generate the metering packet which includes a time element, which further includes a charged time portion for access to services that incurs an access charge and a free time portion for access to services that does not incur access charge.

The motivation of tracking and distinguishing between various types of access and services is clearly pointed out in the instant application. The client generated metering packets in the instant application provides increased flexibility and enhanced accuracy, in terms of what usage incurs an access charge. The charge time portion and free time portion improvement in the instant application offers significantly flexibility in billing clients because it may be desirable for service providers to provide some access to services without charge.

Therefore based on reasons and advantages set forth above, currently amended claims are determined to be in condition for allowance.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue



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fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KAMAL B. DIVECHA whose telephone number is 571-272-5863. The examiner can normally be reached on Flex schedule 8 hr days (10.00am-6.30pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on 571-272-3939. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



October 27, 2005.



**ZARNI MAUNG**  
SUPERVISORY PATENT EXAMINER